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2023 APR 14 AM 11:25

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXASIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISIONALIGN TECHNOLOGIES CORP.,
PLAINTIFF,§
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V.

CAUSE NO. 1:22-CV-824-LY

ATLASSIAN US, INC.,
DEFENDANT.**ORDER ON REPORT AND RECOMMENDATION**

Before the court in the above-referenced cause is Defendant Atlassian US, Inc.'s ("Atlassian") Motion to Transfer to the United States District Court for the Northern District of California (Doc. #24) and all related briefing, which was referred to a United States Magistrate Judge for Report and Recommendation. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72; Loc. R. W.D. Tex. App'x C, R. 1(d). The magistrate judge rendered a Report and Recommendation on February 9, 2023 (Doc. #33), recommending that the court deny the motion to transfer.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within 14 days after being served with a copy of the report and recommendation and thereby secure *de novo* review by the district court. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

Atlassian filed objections to the Report and Recommendation on February 23, 2023 (Doc.

#35). Plaintiff Align Technologies Corp. ("Align") responded to the objections on March 9, 2023 (Doc. #36). Atlassian replied on March 16, 2023 (Doc. #37). In light of the objections, the court will undertake a *de novo* review of the record and applicable law in this case.

Atlassian objects to the magistrate judge's determination that Atlassian failed to clearly demonstrate that good cause exists to transfer the case to the Northern District of California. Atlassian objects to the magistrate judge's analysis on three of the four private-interest factors and three of the four public-interest factors used to evaluate the transfer request. Having reviewed Atlassian's objections, Align's response, Atlassian's reply, the applicable law, and entire case file, the court will overrule Atlassian's objections and accept and adopt the Report and Recommendation for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that Defendant Atlassian US, Inc.'s objections to the Report and Recommendation (Doc. #35) are **OVERRULED**.

IT IS FURTHER ORDERED that the United States Magistrate Judge's Report and Recommendation (Doc. #33) filed in this cause is **APPROVED** and **ACCEPTED**.

IT IS FURTHER ORDERED that Defendant Atlassian US, Inc.'s Motion to Transfer to the United States District Court for the Northern District of California (Doc. #24) is **DENIED**.

IT IS FURTHER ORDERED that the parties are to submit to the court a Proposed Agreed Scheduling Order in accordance with Federal Rule of Civil Procedure 26(f) **on or before May 19, 2023**. See Loc. R. W. D. Tex. CV-16.

SIGNED this 14th day of April, 2023.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE